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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Gonzalo MOTA-Rivera,** Defendant	Magistrate Docket No. '08 MJ 0468 COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **February 15, 2008** within the Southern District of California, defendant, **Gonzalo MOTA-Rivera,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **19th** DAY OF **FEBRUARY, 2008**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Gonzalo MOTA-Rivera

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On February 15, 2008, Agent J. Garcia was working his assigned line watch duties in the area of Jamul, California. Agent Garcia was driving westbound on State Route 94 (SR 94) near the SR 94 Border Patrol Checkpoint when he observed an individual walking along the road. Agent Garcia pulled over to question the individual as to his citizenship because this area is approximately seven miles north of the international boundary between the United States and Mexico and agents from the Brown Field Station encounter and arrest illegal aliens in this area on a daily basis.

Agent Garcia stopped his vehicle and approached the individual later identified as the defendant, **Gonzalo MOTA-Rivera**. Agent Garcia identified himself as a United States Border Patrol Agent and then conducted a field interview on the defendant. The defendant freely admitted to being a citizen and national of Mexico without any legal immigration documents that would allow him to be present in the United States. Agent Garcia arrested the defendant at approximately 8:10 p.m. for being illegally present in the United States and arranged for MOTA to be transported to the Brown Field Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **April 05, 2005** through **Hidalgo, Texas.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on February 16, 2008 at 9:00 a.m.

Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **February 15, 2008** in violation of Title 8, United States Code, Section 1326.

William McCurine Jr.
United States Magistrate Judge

2/16/08, 12:07hrs
Date/Time